

Rockville City Police Department

GENERAL ORDER



Subject IMPARTIAL POLICING		Procedure G.O. # 5 - 27
Authorizing Signature	Effective 02-26-10	Total Pages 3

I. POLICY

It is the policy of the Rockville City Police Department that all investigative and enforcement traffic stops, field contacts, searches and asset seizures and forfeitures will be based upon articulable and constitutionally valid suspicions.

II. PURPOSE

- A. This General Order clarifies the circumstances in which race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or other identifiable groups or other potentially improper criteria can legitimately be used as factors establishing reasonable suspicion or probable cause.
- B. This General Order reinforces procedures that serve to assure the public that the department is providing services and enforcing laws fairly, equitably, and impartially.

III. DEFINITIONS

- A. Investigative stop - A stop based on reasonable articulable suspicion or knowledge of criminal activity. Information may originate with another officer or by independent investigation.
- B. Enforcement stop - A stop initiated as a result of an observed violation of the criminal or traffic code.
- C. Reasonable and articulable suspicion - Actions taken by the officer must be reasonable under the existing circumstances and based on the officer's knowledge at the time. Officers must be able to point to and describe the specific factors that raised suspicions and led him or her to take action in connection with the traffic stop.
- D. *Whren* or "pretext" stop - The U.S. Supreme Court has determined that a law enforcement officer who observes a traffic violation may stop the violator, even though the true reason for the stop is the officer's interest in investigating whether the motorist is involved in other criminal activity. The constitutional reasonableness of a traffic stop does not depend on the actual motive of the individual officer. These types of traffic stops are known as *Whren* or "pretext" stops.
- E. Seizure - In the context of traffic stops, a seizure takes place when an officer makes an investigative or enforcement stop. Seizures during all traffic stops are subject to Constitutional constraints.

- F. Subsequent seizure - This form of seizure occurs when the original reason for the stop has been satisfied and the officer continues to detain the motorist and passenger(s). Once the underlying basis for the initial stop has concluded, a police-driver or police-passenger encounter which implicates the Fourth Amendment is constitutionally permissible only if (1) the driver and passenger(s) consents to the continuing intrusion, or (2) the officer has, at a minimum, a reasonable, articulable suspicion that criminal activity is afoot.

IV. GUIDING PRINCIPLES

- A. Law enforcement officers have a duty and authority to investigate suspicious activities that may be associated with the violation of criminal and motor vehicle laws. This duty does not include pursuing hunches or stereotyping, but is limited to reasonable articulable factors which would likely lead any knowledgeable, reasonable officer to the same conclusion, i.e. that a violation is occurring or has occurred.
- B. All enforcement actions, such as investigative detentions, traffic stops, arrests, searches and seizures, etc., will be based on reasonable suspicion or probable cause as required by statutes and the 4th Amendment of the U.S. Constitution.
 - 1. Officers must be able to articulate specific facts, circumstances, and conclusions that support probable cause or reasonable suspicion for all enforcement actions.
 - 2. Officers may take into account the reported race, ethnicity, gender, or other potentially improper criteria of suspects based on credible, reliable, locally-relevant information that links persons of specific description criteria to particular criminal incidents, or links specific crimes in specific areas to groups of individuals of specific description criteria.
 - 3. Nothing in this or other General Orders alters officers' authority to conduct enforcement actions or otherwise fulfill officers' enforcement obligations.
 - 4. Except as provided in **B.2** above:
 - a. Officers will not consider race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or other identifiable groups or other potentially improper criteria in establishing either reasonable suspicion or probable cause.
 - b. Persons will not be singled out or otherwise treated differently because of their race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or other identifiable groups or other potentially improper criteria.
- C. Officers will receive periodic training in subjects that promote and encourage impartial policing. Applicable training subjects may include, but are not limited to officer safety,

courtesy, cultural diversity, search and seizure, asset seizure and forfeiture, interview techniques, interpersonal communication skills, and constitutional and case law.

- D. Police-citizen encounters, when done properly and professionally, have the potential to be positive community relations tools and can be a means of confronting adverse anecdotal information.
- E. Officers will, as necessary and professionally appropriate, use techniques and strategies to advance the reality of impartial policing. These techniques and strategies include, but are not limited to:
 - 1. Being courteous, polite, and professional.
 - 2. Providing officers' names and department information and explaining reasons for the stops as soon as practical unless doing so compromises the safety of officers or others.
 - 3. Ensuring the lengths of traffic stops, investigative detentions, field contacts, etc. are no longer than necessary to take appropriate actions.
 - 4. Answering questions citizens may have, including any options for dispositions of related enforcement actions.
 - 5. Explaining the credible, reliable, or locally relevant information that lead to stops or contacts when no enforcement actions were taken.
 - 6. Requesting the presence of supervisory or administrative ranked officers to allow citizens to voice their field contact or enforcement related concerns.
 - 7. Explaining the department's complaint process.
- F. Nothing in this policy should be construed to alter the authority of a law enforcement officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations.
- G. Violations of this policy, or portions thereof, shall result in remedial training and/or disciplinary action as set forth in the department's applicable General Orders.
- H. The Chief of Police will ensure yearly administrative reviews are conducted to examine this department's commitment to impartial policing. Dynamics that are to be included in these reviews include, but are not limited to related General Orders, practices, and citizen concerns.